

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

IN RE: PHENYLPROPANOLAMINE  
(PPA) PRODUCTS LIABILITY  
LITIGATION,

MDL NO. 1407

This document relates to:

ORDER GRANTING MOTION TO  
EXTEND FACT DISCOVERY  
DEADLINE

Loretta M. Gillespie v. Wyeth,  
No. 3-cv-3615.

15 The parties have jointly submitted a motion to extend the  
16 case-specific fact discovery deadline in the above-referenced  
17 matter to October 7, 2005. The court previously extended the  
18 deadline by three months. The parties claim that a second  
19 extension is necessary because Defendant Wyeth is still waiting  
20 to receive copies of plaintiff's medical records from University  
21 Medical Center ("UMC"), the hospital primarily responsible for  
22 treating plaintiff after her alleged stroke. Wyeth has requested  
23 the records from UMC no less than eleven times and has sent  
24 signed release authorizations to the hospital at least twice. On  
25 July 7, 2005, having still not received any records from UMC,

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1 Wyeth issued a subpoena directing the hospital and its affiliate,  
2 UMC Pavilion Medical Clinic, to produce all records relating to  
3 plaintiff's care by July 20, 2005. In addition, Wyeth still needs  
4 to take the deposition of five medical providers who treated  
5 plaintiff after her stroke. Each of these depositions is  
6 scheduled to occur in mid-July, 2005.

7 The court notes that Wyeth has requested the records from  
8 UMC over ten times in the last eight months. However, the court  
9 also notes that plaintiff submitted her Plaintiff's Fact Sheet  
10 ("PFS") to Wyeth in April 2004 and Wyeth waited another seven  
11 months before it sent its initial request to UMC. Thereafter,  
12 Wyeth waited another eight months before it issued the subpoena  
13 directing that UMC produce the records. It is incumbent on the  
14 parties to pursue discovery in a timely manner. While Wyeth could  
15 not have anticipated that UMC would delay producing plaintiff's  
16 records for months, Wyeth may have been able to avoid the  
17 necessity of this second (and perhaps the first) extension to the  
18 discovery deadline if it had commenced the collection process  
19 immediately upon receipt of the PFS. The court expects Wyeth to  
20 immediately file a motion to compel if UMC does not produce the  
21 records by the July 20<sup>th</sup> deadline.

22 The court hereby GRANTS the parties' joint motion and

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1 extends the fact discovery deadline to and including October 7,  
2 2005.

3 DATED at Seattle, Washington this 15<sup>th</sup> day of July, 2005.

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5   
6 BARBARA JACOBS ROTHSTEIN  
7 UNITED STATES DISTRICT COURT  
8 JUDGE  
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